

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE:	§	
	§	
Miguel-Eduardo Lackups-Fuentes	§	CASE NO. 18-02493
	§	HON. Scott W Dales
Debtor(s)	§	Filed: 05/31/2018
	§	

MOTION FOR TURNOVER OF PROPERTY

NOW COMES the Debtor, Miguel-Eduardo Lackups-Fuentes, by and through his attorney, Jeffrey D. Mapes, and hereby moves this Court to Compel the Turnover of \$5,295.57 to the Trustee in this matter. In support of his motion, the Debtor states as follows:

1. This Court has jurisdiction over this matter pursuant to 11 U.S.C. §105 and 28 U.S.C. §1334. This matter constitutes a core proceeding pursuant to 28 U.S.C. §157(b).
2. Debtor(s) filed for bankruptcy protection under Chapter 13 of Title 11, United States Code ("the Code"), on 05/31/2018, and the Plan was subsequently confirmed on 08/19/2018.
3. Pursuant to the Debtor's confirmed Plan, the Debtor's property, including future earnings of the Debtor, remained property of the Estate.
4. The Debtor had listed JP Morgan Chase as a creditor holding a general unsecured claim in the amount of \$49,617.00 for educational loans.
5. Because JP Morgan Chase had not filed a claim, Debtor filed a protective claim on behalf of JP Morgan Chase on 04/11/2019.
6. Beginning on May 1, 2019, the Trustee began disbursing payments to JP Morgan Chase. To date the Trustee has issued the following payments on this claim:

Date	Check #	Amount
05/01/2019	881005	\$1,518.92
06/03/2019	882380	\$1,540.20
08/01/2019	885160	\$5,295.57
09/03/2019	886628	\$1,903.08
10/01/2019	888072	\$983.12

7. On October 8, 2019 JP Morgan Chase sent correspondence to the Trustee indicating that they were not entitled to the funds which had been sent by the trustee. (**Exhibit 1**).
8. To date, JP Morgan Chase has returned all checks to the Trustee except for Check #885160 in the amount of \$5,295.57.
9. Pursuant to 11 USC §542(a) JP Morgan chase is required to turnover any property of the Estate to the Trustee unless it is of inconsequential value or benefit to the estate.
10. Because JP Morgan chase is not entitled to the funds which have been paid to it by the Trustee, and it is not of inconsequential value or benefit to the estate, the funds must be turned over.

WHEREFORE, the Debtors request this Court enter an Order requiring JP Morgan Chase to turnover \$5,295.57 to the Trustee, and award all other relief which is just and equitable under the circumstances.

Dated: 10/18/2020

/s/Jeffrey D. Mapes

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